

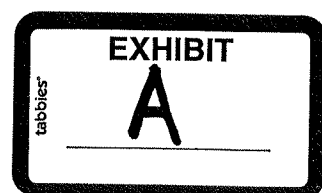
STATE OF WEST VIRGINIA
COUNTY OF RALEIGH:

I, Paul H. Flanagan, Clerk of the Circuit Court of Raleigh County do hereby
Certify that the foregoing is a true and correct copy from records of my office as the
same exists therein.

IN TESTIMONY WHEREOF, I hereunto place my hand and affix the official
seal of this Court, at Beckley this the 5 day of October 2011.

Paul H. Flanagan

Clerk



CASE 11-C-781

RALEIGH

PAGE 0001

TERRIE BAILEY

vs. SLM CORPORATION

LINE	DATE	ACTION
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1	08/24/11	CASE FILED-ISSUED SUMMONS AND COMPLAINT AND RETURNED TO ATTY FOR
2		SERVICE THROUGH SEC OF STATE. CNS/BJC
3	09/02/11	CERTIFICATE OF SERVICE PLAINTIFFS FIRST SET OF INTERROGATORIES
4		AND REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANT PC (CC)
5	09/02/11	CERTIFICATE OF SERVICE PLAINTIFFS FIRST SET OF INTERROGATORIES
6		AND REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANT PC (BLS)
7	09/09/11	SEC OF STATE ACCEPTED FOR SERVICE OF PROCESS (SALLIE MAE) PC (JED)
8	09/09/11	SEC OF STATE ACCEPTED FOR SERVICE OF PROCESS (SLM CORP) PC (BLS)



CT Corporation

**Service of Process
Transmittal**

09/09/2011

CT Log Number 519125597



TO: Eric Reicin
Sallie Mae, Inc.
2001 Edmund Halley Drive
Reston, VA 20190

RE: Process Served in West Virginia

SEP 12 2011

FOR: Sallie Mae, Inc. (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Terrie A. Bailey, Pltf. vs. SLM Corporation, etc. and Sallie Mae, Inc., etc., Dfts.

DOCUMENT(S) SERVED: Letter, Summons, Complaint, Stipulation, Interrogatories and Request, Certificate

COURT/AGENCY: Raleigh County Circuit Court, WV
Case # 11CH781H

NATURE OF ACTION: Defendant knowingly placed around 72 calls to the plaintiff's cellular telephone utilizing an automatic telephone dialing system without the express consent of the plaintiff

ON WHOM PROCESS WAS SERVED: C T Corporation System, Charleston, WV

DATE AND HOUR OF SERVICE: By Certified Mail on 09/09/2011 postmarked on 09/08/2011

JURISDICTION SERVED : West Virginia

APPEARANCE OR ANSWER DUE: Within 30 days after service of this summons, exclusive of the day of service

ATTORNEY(S) / SENDER(S): Paul W. Roop, II
Roop Law Office, L.C.
P.O. Box 1145
Beckley, WV 25801
304-255-7667

ACTION ITEMS: SOP Papers with Transmittal, via Fed Ex 2 Day , 795171829094
Email Notification, Eric Reicin ERIC.REICIN@SLMA.COM
Email Notification, Anne Milem anne.milem@slma.com

SIGNED: C T Corporation System

PER: Amy McLaren

ADDRESS: 5400 D Big Tyler Road
Charleston, WV 25313

TELEPHONE: 800-592-9023

Office of the Secretary of State
 Building 1 Suite 157-K
 1900 Kanawha Blvd E
 Charleston, WV 25305



9171 9237 9000 1000 5223 16



Natalie E. Tennant

Secretary of State
 Telephone: 304-558-6000
 Toll Free: 866-SOS-VOTE
 www.wvsos.com

ControlNumber: 321476

Defendant: SALLIE MAE, INC.

County: 41

9/7/2011

Civil Action: 11-C-781-H

SALLIE MAE, INC.
 C. T. Corporation System
 5400 D Big Tyler Road
 Charleston WV 25313

I am enclosing:

<input type="checkbox"/> summons	<input type="checkbox"/> affidavit	<u>1</u> summons and complaint
<input type="checkbox"/> notice	<input type="checkbox"/> answer	<input type="checkbox"/> summons and verified complaint
<input type="checkbox"/> order	<input type="checkbox"/> cross-claim	<input type="checkbox"/> summons and amended complaint
<input type="checkbox"/> petition	<input type="checkbox"/> counterclaim	<input type="checkbox"/> 3rd party summons and complaint
<input type="checkbox"/> motion	<input type="checkbox"/> request	<input type="checkbox"/> notice of materialmans lien
<input type="checkbox"/> suggestions	<input type="checkbox"/> notice to redeem	<input type="checkbox"/> notice of mechanic's lien
<u>1</u> interrogatories	<u>1</u> request for production	<input type="checkbox"/> notice of uim claim
<input type="checkbox"/> discovery	<u>1</u> request for admissions	<input type="checkbox"/> subpoena duces tecum
<input type="checkbox"/> suggestee execution	<input type="checkbox"/> re-issue of uim claim	<input type="checkbox"/> Other
<input type="checkbox"/> subpoena	<input type="checkbox"/> writ	
<u>1</u> stipulation	<input type="checkbox"/> writ of mandamus	

which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in the name and on behalf of your corporation.

Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in your name and on behalf as your attorney-in-fact. Please address any questions about this document directly to the court or the plaintiff's attorney, shown in the enclosed paper, not to the Secretary of State's office.

Sincerely,

Natalie E. Tennant
 Secretary of State

SUMMONS

CIRCUIT COURT OF RALEIGH COUNTY, WEST VIRGINIA

TERRIE A. BAILEY

Plaintiff,

vs.

Civil Action No: 11-C-

781-H

**SLM Corporation,
a Delaware Corporation,
SALLIE MAE, INC.,
a Delaware Corporation,**

Defendant.

To the above-named Defendant: SALLIE MAE, INC.
c/o Mark J. Diffenbaugh, Asst. Sec. & VP
CT Corporation System
707 Virginia Street East
Charleston, WV 25301

IN THE NAME OF THE STATE OF WEST VIRGINIA, you are hereby summoned and required to serve upon **Paul W. Roop, II, Attorney-at-Law**, plaintiff's attorney, whose address is **P.O. Box 1145, Beckley, West Virginia 25802**, an answer, including any related counterclaim you may have, to the complaint if filed against you in the above styled civil action, a true copy of which is herewith delivered to you. You are required to serve your answer within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint and you will be thereafter barred from asserting in another action any claim you may have which must be asserted by counterclaim in the above-styled civil action.

Dated: Aug 24, 2011

Paul H. Flanagan
Clerk of Court

IN THE CIRCUIT COURT OF RALEIGH COUNTY, WEST VIRGINIA

TERRIE A. BAILEY

Plaintiff,

v.

CIVIL ACTION NO. 11-C-

781-H

**SLM Corporation,
a Delaware Corporation,
SALLIE MAE, INC.,
a Delaware Corporation**
Defendants,

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CLERK OF COURT

COMPLAINT

1. The Plaintiff, Terrie A. Bailey, is and was at all relevant times hereto a resident of Beaver, Raleigh County, West Virginia.
2. The Plaintiff, Terrie A. Bailey, is a person who falls under the protection of the *Telephone Consumer Protection Act*, 47 U.S.C. §227 [hereinafter "TCPA"].
3. The Defendant, SLM Corporation [hereinafter, "SLM"] is a Delaware corporation with its principal place of business at 12061 Bluemont Way, Reston, Virginia 20190. The said Defendant is a debt collector as defined by the *West Virginia Consumer Credit and Protection Act* and does business in Raleigh County, West Virginia by extending student loans to persons residing in said County and State. The said Defendant further transacts debt collection activity in said County and State. The said Defendant may be served through the West Virginia Secretary of State by forwarding a copy of process to the Chief Executive Officer and Vice Chairman of its Board of Directors, Albert L. Lord, at 12061 Bluemont Way, Reston, Virginia 20190.
4. The Defendant, Sallie Mae, Inc., [hereinafter, "Sallie Mae"] is a Delaware corporation and subsidiary of the Defendant, SLM Corporation with its principal place of business also located at 12061 Bluemont Way, Reston, Virginia 20190. The said Defendant is a debt collector as defined by the *West Virginia Consumer Credit and Protection Act* and does business in Raleigh County, West Virginia by extending student loans to persons residing in said County and State. The said Defendant further transacts debt collection activity in said County and State. The said Defendant may be served through the West Virginia Secretary of

State by forwarding a copy of process to its registered agent for service of process, Mark J. Diffenbaugh, Asst. Sec. and VP, CT Corporation System, 707 Virginia Street East Charleston, WV 25301.

5. The Defendants operate in such a way that they are indistinguishable and engaged in joint activities including those described herein. For instance, on its website, SLM Corporation blurs the distinction between the Defendants' identities by stating, on a webpage entitled "Corporate Overview," the following:

SLM Corporation (NYSE: SLM), **commonly known as Sallie Mae**, is the nation's leading saving, planning and paying for education company. Sallie Mae's saving programs, planning resources and financing options have helped more than 31 million people make the investment in higher education. Through its subsidiaries, the company manages \$184 billion in education loans and serves 10 million student and parent customers. In addition, the company's Upromise program has enabled 12 million members to earn more than \$550 million in rewards to help pay for college. Its Upromise affiliates also manage more than \$26 billion in 529 college-savings plans. Sallie Mae offers services to a range of institutional clients, including colleges and universities, student loan guarantors and state and federal agencies. More information is available at www.SallieMae.com. SLM Corporation and its subsidiaries are not sponsored by or agencies of the United States of America.

https://www.salliemae.com/about/corp_leadership/, (emphasis added). A copy of the said webpage is attached hereto as Exhibit 1.

6. The calls described below which were placed by the Defendant were placed utilizing an "automatic telephone dialing system" or "artificial or prerecorded voice" as those terms are used in 47 U.S.C. §227.
7. The Defendant maintains records of each call placed to the Plaintiff regarding her account by date, time called, duration of call, the identity of Defendant's employee or representative and notes or codes placed upon such record by the Defendant's employee or representative.
8. The Defendant called Plaintiff repeatedly using an automatic telephone dialing system or an artificial or prerecorded voice beginning, at least, on June 24, 2011 at which time the Plaintiff expressly revoked any permission which Defendant might have had to place any calls to the Plaintiff's cellular telephone.
9. From June 24, 2010 through September 22, 2010, the Defendant knowingly placed not less than seventy two (72) calls to the Plaintiff's cellular telephone utilizing an automatic telephone dialing system or artificial or prerecorded voice without the express consent of the Plaintiff.

10. In addition to the not less than seventy two (72) calls placed by Defendant using an automatic telephone dialing system or artificial or prerecorded voice, as described in the preceding paragraph, the Defendant placed other calls to the Plaintiff after the latter date set forth in the preceding paragraph through the date of filing the herein complaint by use of an automatic telephone dialing system or artificial or prerecorded voice.
11. At no time did the Plaintiff expressly authorize the Defendant to make calls to the Plaintiff using an automatic telephone dialing system or artificial or prerecorded voice.
12. Based upon information and belief, the Defendant was aware that the initiation of calls to a cellular phone such as that of the Plaintiff is likely to cause the recipient to incur charges.
13. Based upon information and belief, the Defendant placed calls to the Plaintiff with the intent to annoy, harass and threaten the Plaintiff.
14. As a result of the foregoing actions, the Plaintiff has been annoyed, aggravated, harangued, and otherwise damaged.

COUNT ONE

{Strict Liability for Violation of *TCPA*}

15. The Plaintiff incorporates the preceding paragraphs as if set forth fully herein.
16. The Defendant has violated the *TCPA* by placing calls to the Plaintiff on Plaintiff's cellular telephone using an automatic telephone dialing system or artificial or prerecorded voice without the express permission of the Plaintiff.
17. Alternatively, Defendant has violated the *TCPA* by placing calls to the Plaintiff on Plaintiff's cellular telephone using an automatic telephone dialing system or artificial or prerecorded voice after the Plaintiff revoked any permission of the Defendant to place such calls.
18. The foregoing violations of the *TCPA* were committed willfully or knowingly by the Defendant or its agents.

COUNT TWO

{Violation of West Virginia Consumer Credit and Protection Act}

19. The Plaintiff incorporates the preceding paragraphs as if set forth fully herein.
20. The Defendants have engaged in repeated violations of Article 2 of the *West Virginia Consumer Credit and Protection Act* [hereinafter, "WVCCPA"], including but not limited to:
 - a. Engaging in unreasonable or oppressive or abusive conduct towards the Plaintiff in connection with the attempt to collect a debt by placing telephone calls to the Plaintiff in violation of *West Virginia Code* §46A-2-125;

- b. Causing the Plaintiff's phone to ring or engaging persons, including the Plaintiff, in telephone conversations repeatedly or continuously or at unusual times or at times known to be inconvenient, with the intent to annoy, abuse or oppress the Plaintiff in violation of *West Virginia Code* §46A-2-125(d);
- c. Using generally unfair or unconscionable means to collect a debt from Plaintiff in violation of *West Virginia Code* §46A-2-128 by placing calls to the Plaintiff on Plaintiff's cellular or residential telephone using an automatic telephone dialing system or artificial or prerecorded voice without the express permission of the Plaintiff or after such permission was revoked in violation of the *TCPA*; and
- d. Violating W.Va. Code §46A-2-125 by using a computer, with the intent to harass or abuse the Plaintiff, to make contact with the Plaintiff after being requested by the Plaintiff to desist in violation of W.Va. Code §61-3C-14a.

COUNT THREE

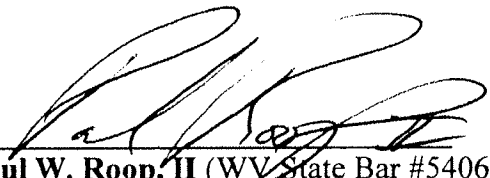
{Violation of West Virginia Code §61-3C-14a}

- 21. The Plaintiff incorporates Paragraphs 1 through 18 as stated above.
- 22. The Defendant, in violation of *West Virginia Code* §61-3C-14a, made repeated telephone calls to or contacts with Plaintiff by using a computer, with the intent to harass or abuse the Plaintiff, after being requested by the Plaintiff to desist.
- 23. Pursuant to *West Virginia Code* §55-7-9, any person injured by the violation of a statute may recover from the offender such damages as may be sustained by reason of the violation.
- 24. The violation of the aforesaid statute caused injury to the Plaintiff, including annoyances, inconvenience, aggravation and emotional distress.
- 25. The Defendant's violation of the aforesaid statute was intentional and malicious.

WHEREFORE, the Plaintiff demands judgment against the Defendant for actual damages, statutory damages on Counts I and II pursuant to both the *TCPA* and the *WVCCPA*, as permitted, and actual damages, and punitive damages on Count III, as well as reasonable attorney's fees, costs and for such other and further relief as this Court may deem appropriate.

PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL ISSUES SO TRIABLE.

TERRIE A. BAILEY
By Counsel



Paul W. Roop, II (WV State Bar #5406)
ROOP LAW OFFICE, L.C.
P.O. Box 1145
Beckley, WV 25801
(304) 255-7667

IN THE CIRCUIT COURT OF RALEIGH COUNTY, WEST VIRGINIA

TERRIE A. BAILEY

Plaintiff,

vs.

CIVIL ACTION NO. 11-C- 781-H

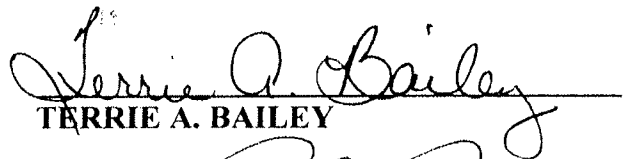
**SLM Corporation,
a Delaware Corporation,
SALLIE MAE, INC.,
a Delaware Corporation,**


Defendant,

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2011 APR 24 7:10 PM
CLERK OF COURT

STIPULATION OF PLAINTIFF AND ATTORNEY FOR PLAINTIFF

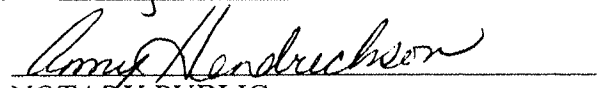
Plaintiff and attorney for Plaintiff agrees to be bound by the following stipulation: The Plaintiff shall neither seek nor accept an amount greater than \$74,999.00 in this case, including any award of attorney fees but excluding interest and costs.


TERRIE A. BAILEY

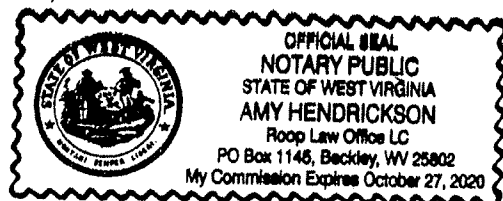

PAUL W. ROOP, II (WVSB No. 5406)
ROOP LAW OFFICE, L.C.

STATE OF WEST VIRGINIA
COUNTY OF RALEIGH, TO-WIT:

The foregoing instrument was acknowledged before the undersigned authority by Terrie A. Bailey and Paul W. Roop, II on this the 5th day of August, 2011.


NOTARY PUBLIC

My Commission Expires: 10/27/2020



IN THE CIRCUIT COURT OF RALEIGH COUNTY, WEST VIRGINIA

TERRIE A. BAILEY

Plaintiff,

v.

CIVIL ACTION NO. 11-C-781-H

**SLM Corporation,
a Delaware Corporation,
SALLIE MAE, INC.,
a Delaware Corporation**


Defendants,

CERTIFICATE OF SERVICE

I, Paul W. Roop, II, counsel for the Plaintiff, do hereby certify that I have served the foregoing "PLAINTIFF'S FIRST SET OF INTERROGATORIES and REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANT" by first class United States Mail this 31st day of August, 2011 to the following:

Mark J. Dittenbaugh, Asst. Sec. & VP
Sallie Mae, Inc.
c/o CT Corporation System
707 Virginia Street East
Charleston, WV 25301

TERRIE A. BAILEY
By Counsel



PAUL W. ROOP, II
Roop Law Office, L.C.
PO Box 11145
Beckley, WV 25802
WV State Bar #5406
Tel. (304)255-7667
Fax (304)256-2295
info@rooplawoffice.com